



E. I. DU PONT DE NEMOURS & COMPANY

INCORPORATED

WILMINGTON, DELAWARE 19898

LEGAL DEPARTMENT

US EPA RECORDS CENTER REGION 5



401334

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

April 23, 1989

Edward Kowalski, Esq.  
Assistant Regional Counsel  
U.S. Environmental Protection Agency  
Region 5  
230 South Dearborn Street  
Chicago, Illinois 60601

Dear Mr. Kowalski:

Re: U.S. Scrap

This letter responds to EPA's March 27 1989 cost reimbursement demand letter.<sup>1</sup> 2 Du Pont is unaware of any involvement at the U. S. Scrap site and denies EPA's assertion that Du Pont is a potentially responsible party at this site.<sup>3</sup> Du Pont demands that the EPA produce for its inspection evidence which substantiates the Agency's allegation that Du Pont is "responsible for depositing hazardous wastes at the site". Absent such a showing by the EPA, Du Pont denies liability in this matter and the Agency should withdraw the cost reimbursement demand against Du Pont.

---

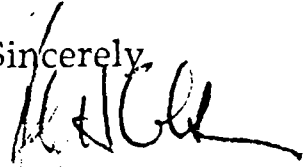
<sup>1</sup> This letter written by John Kelly, (EPA Region 5) and addressed to no individual but to "7082 Du Pont Bldg, Legal Department".

<sup>2</sup> The Notice has not been properly served upon Du Pont since it was sent to an employee who is not a corporate officer or a registered agent. This response to the Notice does not waive Du Pont's argument that proper service of process was not made.

<sup>3</sup> Du Pont has consistently denied liability to EPA at this site. EPA's response to Du Pont's Freedom of Information Act (FOIA) request show no Du Pont involvement at this site.

Notwithstanding the above objections, Du Pont understands that a Steering Committee may form to substantiate EPA's costs and to negotiate appropriate cost reimbursement<sup>1</sup>. Du Pont will cooperate with the efforts of this Steering Committee.

Sincerely,



Mark H. Christman

cc: Mr. Victor Hyatt  
1000 Cambridge Square  
Suite D,  
Alpharetta, Georgia 30201

---

<sup>1</sup> See, letter. P. Nehring to E. Kowalski, 4/11/89